REMARKS

The above referenced patent application has been reviewed in light of the Office Action, dated November 20, 2003, in which:

- claims 1-4, 10-13, and 15-17 are rejected under 35 U.S.C. § 102(e) based upon Shen *et al.* (hereinafter 'Shen;' US Patent No. 6,414,661 B1);
- claims 5-7, 14 and 18 are rejected under 35 U.S.C. § 103(a) based upon Shen;
- and claims 8, 9, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in combination with Kane (US Patent No. 6,229,508 B1);

Reconsideration of the above referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

A Petition for Extension of Time in order to extend the period for response 3 month(s), including the appropriate fee, is filed herewith.

Claims 1, 3-11, 13-19 are now pending the above referenced patent application. Claims 2 & 12 have been cancelled. Claims 1 & 11 have been amended. The claim dependencies of claims 3, 5, 6, 10, 15, 16, and 19 have been amended to reflect the amendments and cancellation of claims 1 & 2, and 11 & 12, respectfully; therefore, no prosecution history estoppel or change in scope of the claims should result. No claims have been added.

1. 35 U.S.C. § 102

1.1. Shen: Claims 1-4, 10-13, and 15-17

The PTO has rejected claims 1-4, 10-13, and 15-17 under 35 U.S.C. § 102(e) as being anticipated by Shen. This rejection by the PTO of these claims is respectfully traversed.

It is well-established that in order to establish a *prima facie* case of anticipation under § 102 of the patent statute, the PTO must provide a single prior art document that alone has every element and every limitation of the claim being rejected. Therefore, if even a single element or limitation is not met by the asserted document, then the PTO has not succeeded in establishing a prima facie case.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants begin with claim 1. Claim 1, as amended, recites:

> 1: (currently amended) A method for at least partially compensating luminance of an emissive display comprising:
>
> estimating the amount of degradation of one or more organic light emitting diodes (OLEDs) included in said emissive display; and
>
> adjusting the luminance of said one or more OLEDs based, at least in part, upon said estimate;
>
> wherein adjusting comprises adjusting the luminance so that said luminance remains substantially constant substantially independent of the amount of degradation of said one or more OLEDs.

It is respectfully asserted that, as just one example of how the text cited by the PTO fails to meet the language of the rejected claims, Shen does not show, teach, use, or describe a adjusting the luminance of **said one or more OLEDs** so that **said luminance remains**

substantially constant. Shen instead recommends calibrating **the display device** to provide "**uniform light output**." See, Shen Abstract, lines 12-14.

Applicants respectfully assert that the limitation of the Applicants' claim refers to constant luminance **temporally**, as the one or more OLEDs degrades. In contrast, Shen's reference to "uniform light output" does not deal with the OLEDs but to the display as a whole, and a uniform light output **spatially** across the display. Therefore, Shen fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

Claims 3, 4, 10-13, and 15-17 either depend from claim 1, or include a substantially similar and patentably distinct limitation. It is, therefore, respectfully requested that the rejection of these claims also be withdrawn.

2. 35 U.S.C. § 103(a)

2.1. Shen: Claims 5-7, 14 and 18

The PTO has also rejected claims 5-7, 14 and 18 under 35 U.S.C. § 103(a) based upon Shen. The rejection of these claims is respectfully traversed.

M.P.E.P. § 706.02(j) sets forth the standard for a § 103(a) rejection:

> To establish a prima facie case of obviousness, three basic criteria must be met.
>
> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings.
>
> Second, there must be a reasonable expectation of success.
>
> Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
>
> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (whitespace added).

Applicant begins with claim 5. Claim 5 recites:

> 5: (currently amended) The method of claim 1, wherein measuring said voltage across said one or more organic light emitting diodes (OLEDs) includes measuring the reverse bias resistance of said one or more OLEDs.

Claim 5 ultimately depends from the independent claim 1. Claim 1 recites:

> 1: (currently amended) A method for at least partially compensating luminance of an emissive display comprising:
>
> estimating the amount of degradation of one or more organic light emitting diodes (OLEDs) included in said emissive display; and
>
> adjusting the luminance of said one or more OLEDs based, at least in part, upon said estimate;
>
> wherein adjusting comprises adjusting the luminance so that said luminance remains substantially constant substantially independent of the amount of degradation of said one or more OLEDs.

Applicants respectfully assert that the combination set forth by the PTO fails to meet the requirement for a *prima facie* case for a § 103(a) rejection for at least the following reasons.

It is respectfully asserted that Shen does not show, teach, use, or describe a adjusting the luminance of **said one or more OLEDs** so that **said luminance remains substantially constant**. Shen instead recommends calibrating **the display device** to provide "**uniform light output**." See, Shen Abstract, lines 12-14. See discussion above. It is, therefore, respectfully requested that the rejection of this claim be withdrawn.

Claims 6, 7, 14 and 18 either depend from and include the limitations of claim 5, or include a substantially similar and patentably distinct limitation as claim 5. Therefore, these claims patentably distinguish from the cited patents on the same basis as claim 5. It is, therefore, respectfully requested that the PTO withdraw the rejections of these claims.

2.2. Shen and Kane: Claims 8, 9, and 19

The PTO has also rejected claims 8, 9, and 19 under 35 U.S.C. § 103(a) on Shen in combination with Kane. The rejection of these claims is also traversed.

Applicant begins with claim 8. Claim 8 recites:

8: (original) The method of claim 7, wherein increasing includes utilization of a lookup table.

Claim 8 ultimately depends from the independent claim 1 and dependent claims 6 & 7. These claims recite:

1: (currently amended) A method for at least partially compensating luminance of an emissive display comprising:
estimating the amount of degradation of one or more organic light emitting diodes

(OLEDs) included in said emissive display; and

adjusting the luminance of said one or more OLEDs based, at least in part, upon said estimate;

wherein adjusting comprises adjusting the luminance so that said luminance remains substantially constant substantially independent of the amount of degradation of said one or more OLEDs.

6: (currently amended) The method of claim 1, wherein adjusting includes adjusting the amount of electrical energy applied to said one or more organic light emitting diodes (OLEDs).

7: (original) The method of claim 6, wherein adjusting includes increasing the voltage applied across said one or more OLEDs.

Applicants respectfully assert that the combination set forth by the PTO fails to meet the requirement for a *prima facie* case for a § 103(a) rejection for at least the following reasons.

It is respectfully asserted that neither Shen nor Kane, either alone or in combination, suggests or describes utilizing a lookup table to adjust the luminance of **said one or more OLEDs** so that **said luminance remains substantially constant**.

Shen does not show, teach, use, or describe a adjusting the luminance of **said one or more OLEDs** so that **said luminance remains substantially constant**. The PTO asserts that the smart card of Shen teaches this limitation. Shen instead recommends calibrating **the display device** to provide "**uniform light output**." See the discussion above. Therefore, even if the combination were proper, although Applicants believe that it is not, nonetheless, the combination would still fail to produce the invention as recited in the rejected claims. It is, therefore, respectfully requested that the rejection of this claim be withdrawn.

Claims 9 and 19 either depend from and include the limitations of claim 8, or include a substantially similar and patentably distinct limitation as claim 8. Therefore, these claims patentably distinguish from the cited patents on the same basis as claim 8. It is, therefore, respectfully requested that the PTO withdraw the rejections of these claims.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this application, as amended, are in condition for allowance. If the Examiner has any questions, they are invited to contact the undersigned at 503-264-7002. Reconsideration of this patent application and early allowance of all claims is respectfully requested.

Respectfully submitted,

Justin B. Scout
Reg. No. 54,431

Dated:

May 8, 2004

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1026
(503) 264-0967

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

5/10/04
Date of Deposit

Tamara Simpson
Name of Person Mailing Correspondence

Tamara Simpson 5/10/04
Signature Date